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Lawyer: One can be prosecuted for false declaration

KUALA LUMPUR, Sat. - The man who alleged in a statutory declaration that Datuk Seri Anwar Ibrahim had amassed RM3 billion while in office is bound by law to speak the truth.

Former Bank Negara assistant governor Datuk Abdul Murad Khalid had alleged that the fortune was by way of master accounts held by his cronies while Anwar was Deputy Prime Minister and Finance Minister.

Lawyers contacted today said Abdul Murad could be prosecuted if he had made a false declaration.

A statutory declaration is a document made under the Statutory Declarations Act 1960, which states that those who made a false declaration could be charged under sections 199 and 200 of the Penal Code.

Section 199 cites using a false declaration as evidence in court while Section 200, corruptly using as true a declaration which the person knew to be false.

Anyone found guilty under these sections could be fined and jailed up to three years.

A lawyer, who declined to be named, said a statutory declaration could be used to assert the truth of matter for any purposes or under any circumstances, and not just in court.

"The difference between a written statement and a statutory declaration is the former can be disputed and denied by the maker, but the latter will prevail even if the maker says something contradictory at a later stage," the lawyer said.

Besides that, the lawyer said the maker could be charged with perjury if he made a contradictory statement. The maker could also be sued for defamation.

A statutory declaration must be made before a Sessions Court judge, magistrate, Commissioner of Oaths, or Notary Public.

Among those who had made statutory declarations was Mior Abdul Razak Yahya, one of those accused of being sodomised by Anwar.

Mior had filed a statutory declaration stating that he was never sodomised by Anwar. He was later charged with giving false evidence on this assertion.

Consultant Dr Munawar Anees, who was also accused of being sodomised by Anwar, also filed a statutory declaration asserting that he was tortured by the police during interrogation.

A witness in Anwar's first trial, Ummi Hafilda Ali made a statutory declaration stating that she was not the author of a letter to Prime Minister Datuk Seri Dr Mahathir Mohamad which contained allegations of Anwar's sexual misconduct.

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